

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JUSTIN JAMES HINZO

Petitioner,

v.

Civ. 6-391 MV/SCY

GERMAN FRANCO, Warden,  
and HECTOR H. BALDERAS, New Mexico  
Attorney General,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION AND DISMISSING CASE**

THIS MATTER is before the Court on Petitioner Justin James Hinzo's Rule 60(b)(6) Motion for Relief from Final Judgment filed February 18, 2015. *Doc. 81*. On March 18, 2015, Magistrate Judge Steven C. Yarbrough filed Proposed Findings and Recommended Disposition ("PFRD") advising that the Court dismiss Petitioner's claims. *Doc. 90*. Petitioner argued that the Court's disposition of his 28 U.S.C. § 2254 petition was unfair both because he did not have adequate notice of the objection period to the prior Magistrate Judge's PFRD recommending dismissal of his petition and that, in any case, the ten day objection period to that petition was unconstitutionally short. He therefore asserted that the Court should now consider his petition. Magistrate Judge Yarbrough found that Petitioner's motion was likely not timely and that it failed to set forth a manifest injustice amenable to correction by the Court under Federal Rule of Civil Procedure 60(b)(6). *Id.* Petitioner has filed no objections to the PFRD, thereby waiving his right to review of the current proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the record, the Court concurs with the Magistrate Judge's findings and recommendations.

**IT IS THEREFORE ORDERED THAT:**

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 90*) is ADOPTED.
2. Petitioner's motion (*doc. 81*) is DENIED.

A handwritten signature in black ink, appearing to read 'M. Vázquez', is positioned above a horizontal line.

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**MARTHA VÁZQUEZ**  
UNITED STATES DISTRICT JUDGE